



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Trevor Potter, Esq.
Caplan & Drysdale
One Thomas Circle, Suite 1100
Washington, DC 20005

JUL 2 2009

RE: MUR 6095
McCain-Palin Victory Fund 2008, *et al.*

Dear Mr. Potter:

On October 17, 2008, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on May 19, 2009, exercised its prosecutorial discretion and voted to dismiss this matter as to McCain-Palin Compliance Fund, Inc. and Joseph Schmuckler, in his official capacity as treasurer. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Please note that the Commission's dismissal as to McCain-Palin Compliance Fund, Inc. and the Factual and Legal Analysis relates only to the allegation in the complaint that Senator McCain sent a letter on October 3, 2008 to complainant requesting a \$5,000 contribution to his general election presidential campaign and involves only this particular solicitation by McCain-Palin Victory Fund 2008. The Commission also found no reason to believe that McCain-Palin Victory Fund 2008 and Lisa Lisker, in her official capacity as treasurer, the Republican National Committee and Tim Johnson, in his official capacity as treasurer, the Michigan Republican Party and Carl Meyers, in his official capacity as treasurer, the Missouri State Republican Committee-Federal and Richard Peerson, in his official capacity as treasurer, the Ohio Republican Party State Central and Executive Committee and Sara Brown, in her official capacity as treasurer, and the Republican Federal Committee of Pennsylvania and Patricia Poprik in her official capacity as treasurer, violated 11 C.F.R. 9003.3(a)(1)(i)(A). The Factual and Legal Analysis, which more fully explains the Commission's decision, will be sent to you by separate letter.

The Commission cautions McCain-Palin Compliance Fund, Inc. that 11 C.F.R. § 9003.3(a)(1)(i)(A) requires solicitations for contributions to a general election legal and compliance fund to clearly state that Federal law prohibits private contributions from being used for the candidate's election.

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Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact Delbert K. Rigsby, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Susan L. Lebeaux
Assistant General Counsel

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